



General Assembly

February Session, 2004

Amendment

LCO No. **5043**

SB0039105043SR0

Offered by:

SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. **391**

File No. 317

Cal. No. 249

(As Amended)

**"AN ACT CONCERNING THE RETENTION OF SERVICE
CONTRACT WORKERS."**

1 Strike subsection (a) of section 1 and insert the following in lieu
2 thereof:

3 "(a) As used in this section:

4 (1) "Awarding authority" means any person, including a contractor
5 or subcontractor, who awards or otherwise enters into a contract to
6 perform any of the following services for the state: Janitorial, building
7 maintenance, security, except the sale, service, monitoring or
8 installation of security systems or fire alarms, food and beverage, but
9 does not include services performed by any restaurant owned and
10 operated by one or more individuals or an organization other than a
11 publicly-traded corporation.

12 (2) "Contractor" means any person who enters into a service

13 contract, valued at one hundred sixty-five thousand dollars per year or
14 five hundred thousand dollars in the aggregate or more, with the
15 awarding authority and any subcontractors to such service contract at
16 any tier.

17 (3) "Employee" means any person engaged to perform any of the
18 following services: Janitorial, building maintenance, security, except
19 the sale, service, monitoring or installation of security systems or fire
20 alarms, food and beverage, but does not include services performed by
21 any restaurant owned and operated by one or more individuals or an
22 organization other than a publicly-traded corporation, but does not
23 include a person who is (A) a managerial, supervisory or confidential
24 employee, including any person who would be so defined under the
25 National Labor Relations Act, (B) employed for less than ten hours per
26 week, or (C) employed by a terminated contractor for less than ninety
27 days immediately preceding the termination date of the service
28 contract.

29 (4) "Person" means any individual, proprietorship, partnership, joint
30 venture, corporation, limited liability company, trust association, the
31 state or other entity that may employ or enter into other contracts.

32 (5) "Service contract" means a contract let to a contractor by the
33 awarding authority for the furnishing of any service listed in
34 subdivision (3) of this subsection.

35 (6) "Successor service contract" means a service contract with the
36 awarding authority under which substantially the same services to be
37 performed have previously been rendered to the awarding authority
38 as part of the same program or at the same facility under another
39 service contract or have previously been rendered by the awarding
40 authority's own employees.

41 (7) "Terminated contractor" means a contractor whose service
42 contract expires without renewal or whose contract is terminated, and
43 includes the awarding authority itself when work previously rendered
44 by the awarding authority's own employees is the subject of a

45 successor service contract.

46 (8) "Successor contractor" means a contractor awarded a service
47 contract to provide substantially the same services previously
48 rendered to the awarding authority as part of the same program or at
49 the same facility under another service contract."